

APR 29 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN ARMANDO LECHUGA-
MONTALVO, aka Juan Armando
Lechoga- Sanchez, aka Juan Armando
Lechuga-Sanchez,

Defendant - Appellant.

No. 08-50267

D.C. No. 3:04-cr-00541-WQH

MEMORANDUM^{*}

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted April 13, 2009^{**}

Before: GRABER, GOULD, and BEA, Circuit Judges.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Juan Armando Lechuga-Montalvo appeals the district court's order revoking his supervised release, and the sentence imposed upon revocation.

Lechuga-Montalvo contends that the supervised release revocation procedure set forth in 18 U.S.C. § 3583 is unconstitutional. This contention is foreclosed by our recent decision in *United States v. Santana*, 526 F.3d 1257, 1262 (9th Cir. 2008). We reject Lechuga-Montalvo's contention that his case is distinguishable from *Santana*.

AFFIRMED.